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PROMULGATED BY THE UNITED STATES JUDICIAL CONFERENCE, VOLUME ⁷ IN THE
VII, GUIDE TO JUDICIARY POLICIES AND PROCEDURES UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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Attorney for Defendant
KENNETH CHIO HENG IONG

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 05-00117-01 HG
)	
Plaintiff,	)	EX PARTE MOTION TO INCUR
	)	LITIGATION EXPENSES #1;
v.	)	DECLARATION OF COUNSEL;
	)	EXHIBIT "A"; ORDER
KENNETH CHIO HENG IONG,)	
)	
Defendant.)	
)	

EX PARTE MOTION TO INCUR LITIGATION EXPENSES #1

COMES NOW, DEFENDANT KENNETH CHIO HENG IONG, by and
through his undersigned attorney of record and respectfully
moves EX PARTE for an order permitting the Defendant to incur
litigation expenses to obtain the services of a forensic
accountant.

Initially, it is requested that the court authorize TWO
THOUSAND NINE HUNDRED dollars (\$2,900.00) to obtain the
services of forensic accountant Frank D. Miller.

The basis of this motion is as follows:

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SEALED
BY ORDER OF THE COURT

Mr. Iong has been charged in an eleven count indictment that includes three counts of tax evasion in violation of 26 U.S.C. §7201 and seven counts of bank fraud in violation of 18 U.S.C. § 1014.

I have been provided in discovery in excess of two thousand pages of documents, and several cd-roms that contain voluminous financial information. In addition, the government has approximately 30 boxes of files in its possession that may be relevant to this case.

I have contacted Frank D. Miller, a forensic accountant. Attached as Exhibit A is Mr. Miller's curriculum vitae. In addition, I have been advised that Mr. Miller's billing rate is \$145 per hour. It is requested that I be permitted to obtain funds for 20 hours of Mr. Miller's time. Mr. Miller is necessary to assist me in the preparation of this case. Furthermore, Mr. Miller previously worked on matters relating to Mr. Iong. As a result, Mr. Miller is familiar with different aspects of Mr. Iong's business practices that would assist me in case preparation.

This motion is based upon the attached declaration of counsel, 18 U.S.C. §3006A(e)(1) ("Criminal Justice Act"), and the records and files herein.

WHEREFORE, Defendant seeks an order permitting Defense Counsel to incur these expenses.

Dated: Honolulu, Hawaii June 20, 2006.



David F. Klein
Attorney for Defendant
KENNETH CHIO HENG IONG

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 05-00117-01 HG
)	
Plaintiff,	)	DECLARATION OF COUNSEL
)	
v.)	
)	
KENNETH CHIO HENG IONG,)	
)	
Defendant.)	
)	

DECLARATION OF COUNSEL

I, David F. Klein, hereby declare as follows:

1. I am an attorney licensed to practice law in all Courts in the State of Hawaii. I represent Defendant KENNETH CHIO HENG IONG ("Defendant").

2. I have personal knowledge of the matters herein except and unless stated to be upon information and belief.

3. I was appointed to represent KENNETH CHIO HENG IONG pursuant to the Criminal Justice Act.

4. Mr. Iong has been charged in an eleven count indictment that includes three counts of tax evasion in violation of 26 U.S.C. §7201 and seven counts of bank fraud in violation of 18 U.S.C. § 1014.

5. I have been provided in discovery in excess of two thousand pages of documents, and several cd-roms that contain voluminous financial information. In addition, the government has approximately 30 boxes of files in its possession that may be relevant to this case.

6. I have contacted Frank D. Miller, a forensic accountant. Attached as Exhibit A is Mr. Miller's curriculum vitae. In addition, I have been advised that Mr. Miller's billing rate is \$145 per hour.

7. It is requested that I be permitted to obtain funds for 20 hours of Mr. Miller's time to assist me in the preparation of this case.

8. Furthermore, Mr. Miller previously worked on matters relating to Mr. Iong. As a result, Mr. Miller is familiar with different aspects of Mr. Iong's business practices.

9. It is requested that the court authorize TWO THOUSAND NINE HUNDRED dollars (\$2,900.00) to obtain the services of Frank D. Miller of Draughon & Draughon, Ltd.

10. That as a result of the foregoing, it is respectfully requested that this motion be granted.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Dated: Honolulu, Hawaii June 20, 2006.



David F. Klein
Attorney for Defendant
KENNETH CHIO HENG IONG

CURRICULUM VITAE

FRANK D. MILLER

DRAUGHON & DRAUGHON, LTD.
POST OFFICE BOX 1048
OLALLA, WASHINGTON 98359
206-619-9076
FDM@DRAUGHON.COM

Education and Professional Certification

Bachelor of Arts (Accounting), University of Washington

Graduate of The Federal Law Enforcement Training Center, Washington, D.C.

Graduate of U.S. Department of Treasury (IRS) Criminal Investigator School—Special Agent, Washington, D.C.

Licensed Private Investigator

Certified Public Accountant

Certified Fraud Examiner

Experience

Investigator, Fraud Examiner, Forensic Accountant: Associate of Draughon & Draughon, Ltd., specializing in complex cases involving allegations related to civil or criminal wrongdoing of an economic/business nature and complex "paper cases." Detailed analysis of voluminous documents and extensive interviews of witnesses to determine facts and develop evidence and testimony for litigation. 1998 to present.

Special Agent, Criminal Investigation Division, Internal Revenue Service, 1973-1997.

Investigated and/or supervised over 500 criminal cases involving financial crimes related to tax fraud, money laundering, bank fraud, organized crime, extortion, embezzlement, gambling, mail fraud, and conspiracy. Investigations involved financial analysis, interviews, written documentation of investigation, prosecutorial assistance, and courtroom testimony. As Supervisory Special Agent, became thoroughly familiar with federal prosecution procedures related to criminal violations of the federal tax laws (26 USC) and related general code (18 USC).

Conducted interviews of subjects, witnesses, and victims of alleged criminal activities, many of whom were confused or evasive. Prepared extensive reports and memoranda of results and conclusions which included detailed analysis and supporting exhibits. Assisted the United States Attorney's Office in preparation for trial and during trial. Testified as to defendant interviews, financial records analysis, and results of other investigative inquiries in numerous criminal trials and before federal grand juries. Taught courses on financial investigative techniques at Washington State Criminal Justice Training Center.

EXHIBIT A

THIS DOCUMENT IS FILED UNDER SEAL

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 05-00117-01 HG
)	
Plaintiff,	)	ORDER GRANTING EX PARTE
	)	MOTION TO INCUR LITIGATION
v.	)	EXPENSES #1
)	
KENNETH CHIO HENG IONG,)	
)	
Defendant.)	
)	

ORDER GRANTING EX PARTE
MOTION TO INCUR LITIGATION EXPENSES #1

THIS COURT after having considered the EX PARTE MOTION TO INCUR LITIGATION EXPENSES #1 and the records and files herein;

HEREBY finds that good cause exists and grants the EX PARTE MOTION TO INCUR LITIGATION EXPENSES #1.

The court hereby authorizes TWO THOUSAND NINE HUNDRED dollars (\$2,900.00) to obtain the services of forensic accountant Frank D. Miller of Draughon & Draughon, Ltd.

Dated: Honolulu, Hawaii 3-21, 2006.



JUDGE OF THE ABOVE ENTITLED COURT